

ASSEMBLY BILL

No. 398

Introduced by Assembly Member Mullin

February 14, 2003

An act to amend Section 31496.3 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 398, as introduced, Mullin. County employees' retirement: San Mateo County.

Existing law establishes an alternative retirement plan for San Mateo County known as Retirement Plan 3.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 31496.3 of the Government Code is
2 amended to read:
3 31496.3. Unless the context otherwise requires, the
4 definitions contained in this section govern the construction of this
5 article.
6 (a) "Board" means the board of retirement.
7 (b) "Employer" means the county or district or agency whose
8 employees are members of the retirement system of the county.
9 (c) "Federal system" means the Old Age and Survivors
10 Insurance provisions of the Social Security Act.

1 (d) “Final compensation” means the average annual
2 compensation earnable by a general member during any three
3 years, whether or not consecutive, elected by the member at or
4 before the time an application for retirement is filed or, if no
5 election is made, during the three years in which the member or
6 former member last earned compensation preceding retirement. If
7 a member or former member has less than three years of service,
8 final compensation shall be determined by dividing total
9 compensation by the number of months of service credited to the
10 member or former member and multiplying by 12. In no event
11 shall final compensation include any disability benefits received
12 by the member or former member under a disability plan provided
13 by the employer.

14 (e) “Member” or “general member” means an employee
15 hired on a permanent basis, as defined by the employer, except an
16 employee eligible for safety membership.

17 (f) “Primary insurance amount” means the monthly retirement
18 benefit payable under the federal system at the age of 65.

19 (g) “Service” means the period of uninterrupted employment
20 of a member and the time in which a member or former member
21 (1) is totally disabled, and (2) is receiving disability benefits or is
22 eligible to receive disability benefits either during or after any
23 elimination or qualifying period, under a disability plan provided
24 by the employer.

25 Except as ~~otherwise herein~~ provided, a member ~~shall~~ *may* not
26 be credited with service for any period of time in which the
27 member is absent from work without pay.

28 Unless otherwise provided, service ~~shall~~ *may* not include
29 military service or public service other than service with the
30 employer.

31 Notwithstanding any other provision of this chapter, a member
32 who has elected or transferred to the plan created by this article and
33 who is terminated for any reason and is later reemployed shall
34 receive credit at retirement for his or her service rendered prior to
35 termination if the reemployment occurs within two years of
36 termination.

